



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

Operations Division
Surveillance and Enforcement Section

To Whom It May Concern:

You have received this letter because you are either directly involved with, or have an expressed interest in, timbering operations involving navigable waters of the United States within the New Orleans District of the U.S. Army Corps of Engineers (Corps).

We have participated in numerous meetings and discussions with various property owners, loggers, industry representatives, state officials, and federal agencies regarding the Corps' regulatory authority pursuant to the Clean Water Act (CWA) and the Rivers and Harbors Act of 1899 (RHA). Discussions have focused on the need to obtain Department of the Army (DA) permits under Section 10 of the RHA for silvicultural activities that could affect the course, location, condition, or capacity of a navigable water. Examples of such activities include the placement of structures within a navigable water to facilitate harvesting (timber mats, corduroy roads, etc.), the stockpiling of timber, deposition or redistribution of fill material (including substantial increases in soil erosion/sedimentation), and any work that has the effect of dredging within the navigable water.

The first step in pursuing a DA permit is to obtain an approved jurisdictional determination (JD). If you anticipate logging an area that may be navigable, we suggest you request a JD that identifies the limits of Corps' RHA authority. We are prepared to process any such requests in a timely manner and provide a written response. Please direct correspondence to CEMVN-OD-SS, U.S. Army Corps of Engineers, P.O. Box 60267, New Orleans, LA 70160-0267.

It is important to note that engaging in regulated activities within navigable waters without appropriate DA permits is a violation of Federal law and will result in enforcement actions.

Although the purpose of this correspondence is to address RHA concerns, please be advised that permitting requirements and/or exemptions for silvicultural activities pursuant to the CWA will be determined and addressed by the Environmental Protection Agency on a case-by-case basis.

Should there be questions concerning these matters, or if we can be of assistance, please contact Mr. Furcy Zeringue at (504) 862-2099, Mr. Robert Heffner at (504) 862-2274, or Mr. John Bruza at (504) 862-1288.

Sincerely,

Ronald J. Ventola
Chief, Regulatory Branch
for
Peter J. Rowan
Colonel, U.S. Army
District Engineer